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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

SUMMARY RECORD OF THE 400th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 September 1997, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (item 4 of the agenda)

Initial report of the Lao People's Democratic Republic (CRC/C/8/Add.32; CRC/C/Q/LAO/1 (list of issues to be taken up); written replies from the Lao Government to questions raised in the list of issues (document without a symbol distributed at the meeting))

1. At the invitation of the Chairperson, Mr. Lengsavad, Mrs. Vongsak, Mr. Kietisack, Mrs. Phommachanh and Mr. Phrakonkham (Lao People's Democratic Republic) took places at the Committee table.

2. The CHAIRPERSON welcomed the Lao delegation. She expressed appreciation of the fact that it was composed of very high-level representatives and invited it to present the report of the Lao People's Democratic Republic (CRC/C/8/Add.32).

3. Mr. LENGSAVAD (Lao People's Democratic Republic) said that the Lao People's Democratic Republic, one of the least developed countries, was doing its utmost to implement its socio-economic development programme and, within that framework, the Government was pursuing a policy designed to safeguard the rights and interests of children. At the international level, the Lao People's Democratic Republic had signed the Declaration and Plan of Action adopted at the close of the World Summit for Children in 1990, and had become a party to the Convention on the Rights of the Child in 1991. In order to take the appropriate steps on behalf of children, the Government had set up the National Commission for Mothers and Children in 1992 and reorganized it in 1996. Thanks to the support of the Government and the United Nations Save the Children Fund, the Commission had already scored some considerable successes. The most noteworthy achievements had been in the spheres of vaccination, health care, basic education and improving the situation of women. Nevertheless, many difficulties and obstacles still lay ahead and the Government realized that it had to step up its efforts to improve the living conditions of women and children.

4. The Lao Government was grateful to its allies and the international organizations which were giving it valuable assistance in the field of mother and child welfare. He was glad that on 20 September 1997, the Executive Board of UNICEF had unanimously adopted a programme of cooperation between the Lao People's Democratic Republic and UNICEF for the 1998-2002 period. Lastly, he thanked the Committee for its action and in particular he thanked the Chairperson for her visit to the Lao People's Democratic Republic in 1996. The Lao delegation would do its utmost to ensure a fruitful dialogue with the Committee when the initial report was examined.

5. The CHAIRPERSON invited the members of the Committee to put their questions on general measures of implementation (arts. 4, 42 and 44 (6) of the Convention) (questions 1 to 9 of the list of issues) (CRC/C/Q/LAO/1).

6. Mrs. KARP thanked the head of the Lao delegation for his statement. She wished the written report had contained more precise information and statistics on children's living conditions and on the legislative measures

taken to protect their rights. Nevertheless, she was pleased that the report had been frank and that the Lao Government had the political will to improve the situation of children. In that connection, she asked how the Lao Government financed the action plans and programmes referred to in the report and pointed out that the implementation of article 4 of the Convention presupposed the adoption of the appropriate budgetary measures to give effect to the rights recognized in the Convention. In addition, she wished to know how many children under 18 there were in the Lao People's Democratic Republic and what the literacy rate was.

7. She also wanted to know more about the operating methods and activities, at the central and local levels, of the National Commission for Mothers and Children. Could children lodge complaints with an independent body, like an ombudsman? Why did the National Commission not include representatives of the Ministries of Justice and the Interior, those being the departments competent for the status of the child? She noted that most of the laws pertaining to children had been adopted in 1990, that was to say one year before the Lao People's Democratic Republic had become a party to the Convention. Did the Lao Government intend to review the legislation in force in order to bring it into line with the principles and provisions of the Convention? Lastly, in what fields covered by the Convention were technical assistance needs greatest?

8. Mrs. OUEDRAOGO said she was pleased to note the efforts being made by the Lao Government, despite its limited resources, to provide the requisite facilities enabling children to develop their full physical and mental potential. She particularly welcomed the socio-economic development plan running until the year 2000, the introduction of legal, administrative and institutional frames of reference such as the Constitution, the Family Law, the Labour Law etc. and the drafting of a national programme of action for children.

9. The translation of the Convention into Lao and its circulation were laudable, but not enough appeared to have been done to gain the general population's active support for its implementation. The Lao Government ought to take the necessary steps to heighten the population's awareness of the Convention, in pursuance of article 42 thereof and to secure the community's participation.

10. Noting that the National Commission for Mothers and Children was the main governmental body responsible for the protection and welfare of children, she questioned the advisability of lumping mothers and children together, because that made them look like extremely vulnerable and therefore marginal members of society. While the rights of women and children were interrelated, it would definitely be preferable to have a separate national commission for children, which could target children's problems more accurately and find the right solutions to them.

11. She welcomed the ratification by the Lao Government of the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination and she urged it to consider acceding to the International Covenant on Economic, Social and Cultural Rights (which had a close bearing on

children's rights) and to other international instruments. She regretted that the Lao Government had not strictly followed the Committee's instructions regarding the layout of reports in presenting its initial report. For example, why were the general and some specific principles of the Convention not dealt with in the report and why were certain notions such as the best interests of the child not mentioned? It would be helpful to know whether such principles and concepts were taken into consideration in family, school and social life and whether they were reflected in the Constitution or any other legislation. Similar shortcomings existed with regard to the concepts of non-discrimination, the right to life and respect for the child's opinion. A single document encompassing all the laws relating to children and the Convention's provisions would be desirable. She also wondered why the Minister for Foreign Affairs, rather than a specialized minister, chaired the National Commission for Mothers and Children. Lastly, she asked how many languages were spoken in the country and why the Convention had been translated only into Lao. How did population groups which spoke a language other than Lao become conversant with the Convention?

12. Mrs. PALME said she was pleased that the Lao People's Democratic Republic was cooperating with international bodies like the United Nations Save the Children's Fund and non-governmental organizations. She hoped that national associations and bodies would likewise contribute actively to the implementation of the Convention, in accordance with articles 2 and 44 (6). To that end, the Convention should be translated into the languages of the various population groups, even if that was expensive and all sectors of the population should be familiarized with the Convention and the report submitted to the Committee. Referring to the National Commission for Mothers and Children, she, too, thought that it would be wise to separate the protection of mothers from that of children.

13. Mr. RABAH inquired whether the economic recession in the Lao People's Democratic Republic was hampering the provision of social benefits to which children were entitled. Noting that the Government had stated in its written replies that the National Commission for Mothers and Children had been reactivated in 1996, he requested information about the previous situation as well as that body's plans for the future. He also asked whether any national laws conflicted with articles of the Convention. He wished to know if the children from minority population groups were discriminated against in any way and why there were no juvenile courts. Lastly, he asked for details about the special cases in which the minimum age for marriage could be lowered from 18 to 15 years and about the circumstances in which it was possible to change a child's name.

14. Mr. KOLOSOV said that the Lao Government ought to be commended for its signature of the Convention, notwithstanding the difficulties it might be encountering in its application. He considered that those difficulties had been chiefly caused by financial problems, on the one hand and a lack of understanding of the provisions of the Convention at various levels, on the other. With regard to the first cause, he wondered if the requisite steps had been taken to optimize the use of available resources and to ensure that, in accordance with article 4 of the Convention, all the appropriate measures had been undertaken, to the extent permitted by available resources, to guarantee children's enjoyment of their economic, social and cultural rights. As for

the second cause, he asked for details about the measures taken to make judges, teachers, the general public and, above all, children more alive to the provisions of the Convention. For that purpose, it might be advisable to supply the Lao Government with technical and financial assistance in order to have the numerous works interpreting the Convention translated into local languages.

The meeting was suspended at 10.55 a.m. and resumed at 11.10 a.m.

15. Mr. LENGSAVAD (Lao People's Democratic Republic) first stated that his country was still consolidating its legal system. It needed all the help it could obtain to do so. He assured the Committee that even if no specific legislation yet existed to protect children, their interests were duly taken into account in all fields of law.

16. He regretted that he was unable to supply a precise breakdown of resources. Appropriations were allocated to a number of programmes in the spheres of pre-school education, nursery schooling and immunization. He stressed the importance of the help given by UNICEF and of bilateral aid, in view of his country's economic predicament. He said that the main purpose behind the decision in 1996 to reorganize the National Commission for Mothers and Children had been to improve coordination between the various components including ministries, the Women's Union and village committees. The reports of the National Commission's quarterly meetings were distributed to all concerned.

17. He said that the Convention had been translated into Lao with UNICEF's assistance and that it had been circulated among all the ethnic groups of the population, most of whom understood the official language. The main trouble was people's poor level of education. Priority had therefore been given to spreading the message of the Convention at events organized around vaccination campaigns, for example. As far as the age of marriage was concerned, he said that children from certain ethnic groups traditionally married young, sometimes at the age of 12. The Government was doing all it could to discourage such practices.

18. Mr. KIETISACK (Lao People's Democratic Republic) returning to the questions about the legal system, acknowledged that penal law provisions regarding children did not meet the Convention's requirements. To overcome those shortcomings, courts tried to apply the law with circumspection. For example, offenders between 15 and 18 years of age were not normally arrested unless they had committed a serious crime. If they were prosecuted, the penalties imposed on them were lighter than those applying to adults. Law and order was further safeguarded by the Family Law which gave parents educational duties. Even so, the courts realized that the lack of juvenile courts and special laws protecting children was a major defect which would have to be corrected.

19. Mr. LENGSAVAD (Lao People's Democratic Republic) said that compulsory schooling had been extended to the age of 10 and, as a result, school attendance had risen from 54 to 74 per cent between 1990 and 1995, while the literacy rate had gone up from 60 to 64 per cent over the same period. The Government was also trying hard to set up vocational training centres in the

capital and the provinces. Forty-eight informal education centres were already in operation in the country. Referring to international cooperation, he said that his country greatly needed the assistance and support of the international community, above all in order to train lawyers and specialists in the law regarding children.

20. The CHAIRPERSON wondered whether, in view of the social and economic plight of the country, the university which had just been founded would include a department for training welfare workers who could further the application of the Convention's provisions on the rights of the child. She also asked whether the Government intended to call on the services of international NGOs which had had lengthy experience in the field of children's rights. Lastly, what steps had been taken by the Lao Government to introduce a programme of training in human rights in general and the rights of the child in particular, in schools and civil society, during the United Nations Decade for Human Rights Education?

21. Mr. LENGSAVAD (Lao People's Democratic Republic) said that the national university had an Institute of Education, where schoolteachers and kindergarten staff were trained and the Ministry of Education was contemplating the inclusion in school curricula of basic instruction in the rights of the child. In the NGO sector, youth associations, women's associations and voluntary organizations were endeavouring to awaken the population's interest and to help the Government in the field of outreach activities. Their messages were spread by the media (radio, television and newspapers) and by local organizations. In the Lao People's Democratic Republic welfare workers were not trained at university but by the Ministry of Labour and Social Welfare, which was responsible for child welfare throughout the country and which had set up a centre for handicapped children and orphans.

22. Mrs. OUEDRAOGO urged the Lao Government to introduce a public awareness programme aimed at changing society's behaviour towards women. Furthermore, she asked whether a father's responsibility for his children was merely financial and whether compulsory schooling was not difficult to put into practice owing to some of the country's traditions. In that connection had measures been adopted to prevent girls from being enslaved by duties in the home? Generally speaking, she thought that it would be for the country to introduce a national programme for women, as part of its follow-up to the Beijing Platform for Action.

23. Mr. RABAH asked the Lao delegation whether national legal provisions conflicted with those of the Convention on the Rights of the Child.

24. Mrs. KARP requested details about the budget of the National Commission for Mothers and Children, the resources allocated to education and availability of economic assistance for needy families. She called on the Government to gather specific statistical data which would make it possible to assess children's problems and take the necessary steps to solve them. In her opinion, it would be useful to launch campaigns to inform the general public and heighten its awareness of the new concept of the child as a person with rights.

25. Mr. LENGSAVAD (Lao People's Democratic Republic) said that the National Commission for Mothers and Children had a budget, but that the Government had no plans to earmark particular funds for children under the headings of education, culture, information or public health. He admitted that his country lacked experience in the matter. The National Statistical Office collected data on children (especially on their health) and officials had been trained to evaluate and plan various activities on behalf of children. The Lao Government was also striving to protect children by circulating new ideas and knowledge in the remote areas of the country, and cooperation had been instituted with foreign companies to use satellite broadcasts on radio and television frequencies which could be received throughout the country.

26. In reply to Mr. Rabah, he said that national laws could not conflict with the Convention on the Rights of the Child because there was no special law on the rights of children in the country. There were, however, plans to set up juvenile courts and the Government intended to train lawyers for that purpose.

27. The CHAIRPERSON invited the members of the Committee to put their questions concerning the definition of the child and general principles (questions 10 to 18 of the list of issues).

28. Mrs. KARP, noting the long gap between the end of compulsory schooling at 10 and the age at which a child was authorized to work (15), asked what happened to children in the meanwhile, if there were any problems and, if so, how they were solved. She observed that the age at which a child could testify in a court was 16, which seemed to run counter to the new ideas set forth in the Convention. Could children under 16 testify and, more to the point, file complaints, especially if their interests conflicted with those of their parents? What was the effective age of consent to adoption because, under article 38 of the Family Law it was 18, whereas the report stated that such consent was required as from age 10? Had any other age limits been set for the consent of the child to other family matters, especially custody? How could children exercise their rights under the Convention, especially when their interests conflicted with those of their parents?

29. She remarked that the four general principles embodied in the Convention were not expressly set forth in any legislative text relating to children, but that that did not apply solely to the Lao People's Democratic Republic. Such a process required a change in attitude and therefore an education drive. According to the Convention, a child had to be regarded as a human being with rights and it would be useful to know, in that respect, whether children's consent was required to various kinds of administrative or judicial decisions concerning them or if there was some process whereby children could express their views, gain an understanding of the issues involved and form an opinion. Once again, an effort to train judges, public prosecutors and teachers would be necessary in order to institute a dialogue with the child. As there was still a great deal to be done in that field, she asked if the Government intended to take on board the novel idea of children's participation.

30. Mrs. OUEDRAOGO inquired about the status of the Convention in the Lao People's Democratic Republic, what reception it had been given by the population despite its restricted circulation, what the first reactions had

been to it and what difficulties had been encountered in securing its acceptance. She also wished to know how children had received the instrument embodying their own rights and how they were asserting those rights.

31. She asked whether young people who married between the ages of 15 and 18 were regarded as adults or minors and what steps the Government was taking to prevent early marriages. To what extent had Decree 52 of the Prime Minister been implemented, especially in respect of free care for schoolchildren, students and the very poor? What programme was the project based on and how was it financed? She was also concerned about discriminatory practices at several levels of society, viz. between men and women, ethnic groups and the rich and the poor. To what extent were legislative provisions aimed at combating such discrimination enforceable and ought not an attempt be made to heighten the awareness of the population or even to promote a change in attitude so as to eliminate various forms of discrimination? Lastly, she asked the Lao delegation how it defined the best interests of the child, the right of the child to express its personal opinion in the family and in society and the participation of the child, as those were points which had not been dealt with in sufficient depth in the report.

32. Mr. KOLOSOV was surprised that, apparently, in the Lao People's Democratic Republic the age of majority had not been determined by the Constitution or the Civil Code but, according to paragraph 43 of the report, by the Penal Code. Was that really the case? Paragraph 45 of the report said that under article 9 the minimum age for marriage was 18, but failed to indicate the text in question. Could some clarification be provided?

33. He considered that when it came to implementing the general principles set forth in the Convention, the opinion of children should be sought and their best interests taken into consideration, at least in all official procedures concerning them. It was therefore essential that the members or representatives of the Ministry of Justice or Ministry of the Interior should know about those principles and be involved in taking decisions aimed at securing respect for them. He therefore asked if representatives of the Ministry of Justice or Ministry of the Interior sat on the National Commission for the Protection of Mothers and Children and, if so, what their exact duties were.

34. Mr. KIETISACK (Lao People's Democratic Republic) said that the Civil Code established the age of majority at 18, but that a young person was criminally responsible as from the age of 15. The parents or guardians of the child were responsible in the case of under-15s. The Family Law set the minimum age of marriage at 18. Some exceptions were, however, made for 15 to 18-year olds, if they were living together, or in the event of pregnancy. The law prohibited the marriage of minors of under 15, yet in some ethnic groups, marriage was traditionally authorized as from the age of 12. Since the law had no deterrent effect, an attempt was being made to educate rather than punish, and such marriages were recognized de facto.

35. As in other countries, in the Lao People's Democratic Republic a child could file a complaint and be represented by its parents in most cases. When the interests of the child conflicted with those of its parents, the child could be represented by another member of the family or a lawyer. Children

could testify in court and their testimony was taken into account, but young people under 16 had to be accompanied by a parent or guardian. No provision expressly stated that a child of under 18 was regarded as a citizen but, as a signatory of the Convention, the Lao People's Democratic Republic had recognized that fact. In the Constitution, the rights of mothers and children were expressed in very general terms, but, in reality, the provision in question encompassed the best interests of the child within the family and society. In the past, in traditional Lao society, there had been a tendency not to recognize the rights of children and the Convention therefore constituted a new departure. An attempt was now being made to take account of children's opinions, and society was readier to listen to them.

The meeting rose at 1 p.m.